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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 OLD REPUBLIC GENERAL INSURANCE
12 CORPORATION

13 Plaintiff,

14 v.

15 AMTRUST INTERNATIONAL
16 UNDERWRITERS LTD., et al.,

17 Defendants.

Case No.: 1:20-CV-00778-NONE-JLT

**ORDER GRANTING STIPULATION TO
AMEND THE CASE SCHEDULE
(Doc. 59)**

18 The parties have stipulated to amend the case schedule. (Doc. 59) In their stipulation, they
19 offer no description of the discovery they have conducted to date. Id. Instead, they note that in the
20 underlying action, the parties have completed only part of one deposition. Id. at 2. They assert,
21 “This coverage action arises out of and depends on facts at issue in an underlying construction
22 defect action . . .” Id. However, when they filed their joint scheduling report, they did not indicate
23 that they did not intend to conduct discovery¹ and, in fact, many of the legal issues set forth do not
24 depend upon the underlying action and, instead, constitute issues unique to this litigation and will
25 not be discovered in the underlying action. (Doc. 33 at 4-5)

26 Thus, though the Court will grant this case schedule amendment, it will not again do so
27

28 ¹ If it is so crucial to have the facts determined in the underlying action, the Court is at a loss to understand why this action was initiated before that action concluded or why the parties have not pursued a joint motion to stay the action.

absent a showing that the parties in **this case** have exercised diligence in discovering **this case**. Counsel may not do nothing and then expect the Court to repeatedly extend the case schedule. Thus, the Court **ORDERS** the case schedule to be amended as follows:

1. The parties **SHALL** complete all non-expert discovery **no later than December 30, 2021;**

2. The parties **SHALL** disclose their experts **no later than February 4, 2022** and any rebuttal experts **no later than March 4, 2022**. They **SHALL** complete all expert discovery **no later than April 15, 2022;**

3. The parties **SHALL** file non dispositive motions, if at all, **no later than May 20, 2022**. These motions **SHALL** be heard **no later than June 17, 2022;**

4. The parties **SHALL** file dispositive motions, if at all, **no later than July 8, 2022**, to be heard **no later than August 19, 2022;**

5. The settlement conference is **CONTINUED** to **December 10, 2021** at 1:00 p.m.;

6. The pretrial conference is **CONTINUED** to **November 7, 2022** at 1:30 p.m.

IT IS SO ORDERED.

Dated: **April 9, 2021**

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE